

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

VERNON KENDALL EVANS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 1:23-CV-223 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. On December 19, 2023, the Court received a letter from movant referencing “changes made to the federal guidelines sentencing chart” and inquiring whether he could be eligible for relief under “the new guidelines” that are to be implemented in February 2024. Movant is referring to the United States Sentencing Guidelines as amended on November 1, 2023.

The Clerk docketed movant’s letter as a pro se motion to vacate, set aside or correct sentence brought pursuant to 28 U.S.C. § 2255 and this case was opened. However, the Court finds movant is seeking relief under Amendment 821 to the United States Sentencing Guidelines. As such, the claim is better suited for a motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2), which authorizes defendants who have been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission to move for a sentence reduction. *See* 18 U.S.C. § 3582(c)(2).

For this reason, the Court finds that this case should be administratively closed, as it was opened as a result of clerical error, and movant’s letter should be filed as a pro se motion to reduce

sentence under Amendment 821 in his criminal case. *See United States v. Evans*, No. 1:19-CR-20 RLW (E.D. Mo.).

Accordingly,

**IT IS HERBY ORDERED** that the Clerk is directed to **administratively close** this case, and file movant's letter [ECF No. 1] in his criminal case as a pro se motion for reduction of sentence under Amendment 821. *See United States v. Evans*, No. 1:19-CR-20 RLW (E.D. Mo.).

A handwritten signature in cursive script that reads "Ronnie L. White". The signature is written in black ink and is positioned above a horizontal line.

**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**

Dated this 21st day of December, 2023.